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10/574,015	10/19/2006	Hiromi Akiyoshi	0670-7073	4349
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EXAMINER				
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ART UNIT		PAPER NUMBER		
3663				
MAIL DATE		DELIVERY MODE		
06/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,015

Applicant(s)

AKIYOSHI ET AL.

Examiner

REDHWAN MAWARI

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 9-12, 18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-12 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 03/29/2006, 10/19/2006, 03/05/2008.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicant's election without traverse of claims 1-4, 6, 7, 9-12, 18, and 21 in the reply filed on 05/09/2008 is acknowledged.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 18 fails to define a statutory process. A process consisting solely of mathematical operation does not manipulate appropriate subject matter and thus cannot constitute a statutory process. To be statutory there must be sufficient structural and functional interrelationships between the computer program and other claimed elements of a computer or processor which permit the computer program's functionality to be realized. For the claim to be statutory process must be tied to another statutory class such as a particular apparatus. If the requirement is not met by the claim, the method is not a patent eligible process

under § 101 and should be rejected as being directed to non-statutory subject matter.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, in regards to claims 11 and 12, the phrase "in the case" and "when the route pattern edition unit executes addition of a destination" render the claims indefinite. It is unclear whether these limitations are optional and the occurrences of the above limitation or part of the invention. Accordingly, the metes and bound of the claim can not be ascertained by one having ordinary skill in the art.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7, 7, 9-12, 18, 21 rejected under 35 U.S.C. 102(b) as being unpatentable over Mannesmann (EP1 106 968 A1).

Consider claim 1, Mannesmann discloses a guide route search device, comprising:

a designation unit adapted to designate at least two or more destinations (abstract, and Figure 4);

a creation unit adapted to create plural route patterns in which orders of visit to the plural destinations are different from one another (abstract, and Figure 4); and

a judgment unit adapted to judge whether the plural route patterns are route patterns that satisfy destination conditions in all the destinations ([paragraph 0016], and Figure 4).

Consider claim 2, Mannesmann discloses a selection unit adapted to select a guide pattern that satisfies the destination conditions in all the destinations as a guide route ([paragraph 0003]).

Consider claim 3, Mannesmann discloses an adjustment unit adapted to perform, for route patterns judged as not satisfying the destination conditions at least at one destination by the judgment unit, adjustment of a non-traveling time such that the route patterns satisfy the destination conditions in all the destinations ([paragraph 0017]); and a selection unit adapted to select a specific route pattern out of the route patterns judged as satisfying the destination conditions in all the destinations by the judgment unit and the route patterns updated by the adjustment unit ([paragraph 0003]).

Consider claim 4, Mannesmann discloses an update unit adapted to update, for route patterns judged as not satisfying the destination conditions at least at one destination by the judgment unit, the route patterns such that the route patterns satisfy the destination conditions in all the destinations ([paragraph 0013]); and a display unit adapted to display at least two route patterns out of the route patterns judged as satisfying the destination conditions in all the destinations by the judgment unit and the route patterns updated by the updating means ([paragraph 0012]).

Consider claim 6, Mannesmann discloses a route pattern edition unit, for route patterns in which destinations are judged as satisfying the destination conditions by the judgment unit, any one of addition of destinations, deletion of destinations, change of destinations, and rearrangement of destinations as correction of the route patterns and causing the judgment unit to judge whether destinations in the route patterns after the correction satisfy the destination conditions ([paragraph 0017]).

Consider claim 10, Mannesmann discloses that the selection unit judges whether route points of identical or similar genres continue in the route pattern and, when destinations of identical or similar genres do not continue, selects the route pattern as the guide route ([paragraph 0003]).

Consider claim 11, Mannesmann discloses wherein the route pattern edition unit inserts, in the case in which a new destination is inserted in a certain insertion place in route patterns in which destinations are judged as satisfying the destination conditions by the judgment unit, when it is judged by the judgment unit that destinations in the route patterns after correction do not satisfy the destination conditions, the new destination in another insertion place on the guide route ([paragraph 0003]).

Consider claim 12, Mannesmann discloses characterized in that, the guide route search device inserts, when the route pattern edition unit executes addition of a destination, a new destination in each of plural insertion places, in which a destination can be inserted, on, route patterns in which destinations are judged

as satisfying the destination conditions by the judgment unit to create plural route patterns and causes the judgment unit to judge whether destinations satisfy the destination conditions for each of the plural route patterns created ([paragraph 0017]).

Consider claim 18, Mannesmann discloses the method Comprising the steps of:

designating at least two or more destinations (abstract, and figure 4);
creating plural route patterns in which orders of visiting the plural destinations are different from one another (col. 6, lines 17-30); and
judging whether the plural route patterns are route patterns that satisfy destination conditions in all the destinations (col. 6, lines 17-30, FIG. 4);

Consider claim 21, claim 21, is rejected using the same art and rationale used to reject claim 18.

Note: Above clams use statement of intended use or field of use, "adapted to", "wherein" are essentially method limitations or statements of intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mannesmann (EP) in view of Katayama et al. (2001/0029429).

Consider claim 7, Mannesmann discloses a display unit adapted to display the guide route selected by the selecting means on a map image together with an image indicating a location of the guide route search device itself before route guide ([paragraph 0012]); however Mannesmann doesn't explicitly disclose a movement unit adapted to move the image indicating a location of the guide route search device itself along the guide route;

Katayama teaches a movement unit adapted to move the image indicating a location of the guide route search device itself along the guide route (abstract);

a time calculation unit adapted to calculate an arrival time at a location of the image moved by the moving means (FIG. 4); and

an update unit adapted to change a color and/or brightness of the map image according to the arrival time calculated ([paragraph 0013]).

Accordingly, it would have been obvious to an ordinary skilled person in the art to combine the invention of Katayama into the invention of Mannesmann for the purpose of simplify the display for the user.

Consider claim 9, Mannesmann discloses wherein the judgment unit includes a destination condition update unit adapted to update, when the destination for each genre is not in a business hour of the destination, updating the destination conditions for each genre such that the destination conditions for each genre are in a business hour of the route point ([paragraph 0013]).

Note: Above claims use statement of intended use or field of use, "adapted to", "wherein" are essentially method limitations or statements of intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redhwan Mawari whose telephone number is 571 270 1535. The examiner can normally be reached on 7:30 AM - 5PM Mon-Fri Eastern Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/17/2008

Redhwan Mawari

/Redhwan Mawari/

Examiner, Art Unit 3663

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663